

From: [Otero, Camille V.](#)
To: [Sylvia Simson](#)
Cc: [Hatfield, William S.](#); [Andrew J. Rossman](#); [Jonathan Oblak](#); [Yacovone, Krista](#)
Subject: Re: Your clients' production of its 104(e) documents to EPA
Date: Thursday, February 23, 2017 10:15:13 AM

Sylvia:

We understand what you told us but experience has taught us that what you say and ultimately do are two different things. We will not put our clients through a month or so of fruitless negotiations over a simple agreement and numerous meet and confers to try to obtain documents to which we are already entitled. That being said, if we can reach an agreement by cob tomorrow that includes an acceptable date certain for production of documents, then there will be no need to burden EPA with this matter. However, if we do not have an agreement by cob tomorrow we will advise the Agency and request that EPA respond to our FOIA request and provide us with the documents we requested.

To be clear, this matter could have been avoided had your clients agreed to cooperate with our clients as we requested in the first instance. Your failure and refusal to cooperate and provide us with the documents to which we are entitled is the sole reason that the Agency is now in the middle of this issue. Any further burden placed on EPA stems from these acts and is in no way the fault of the Ashland Parties.

I have copied Krista on this email so that there is no misunderstanding as to what has transpired with respect to this matter.

Thank you.

Camille

Sent from my iPhone

On Feb 22, 2017, at 8:09 PM, Sylvia Simson <sylviasimson@quinnemanuel.com> wrote:

Camille, as we have already told you that we are willing to come to an agreement, it is unclear to us why you continue to suggest that there is any need to unduly burden the EPA. We'll get you a draft agreement soon. Thanks.

Sylvia Simson

Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Avenue, 22nd Floor
New York, NY 10010
212-849-7378 Direct
212-849-7000 Main Office Number
212-849-7100 FAX
sylviasimson@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution,

or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Otero, Camille V. [<mailto:COtero@gibbonslaw.com>]

Sent: Wednesday, February 22, 2017 6:24 PM

To: Sylvia Simson <sylviasimson@quinnemanuel.com>

Cc: Hatfield, William S. <WHatfield@gibbonslaw.com>; Andrew J. Rossman <andrewrossman@quinnemanuel.com>; Jonathan Oblak <jonoblak@quinnemanuel.com>

Subject: Re: Your clients' production of its 104(e) documents to EPA

Sylvia: thank you for the below response. We have been waiting for such a proposed agreement since we last spoke. Please provide us with a proposed agreement by cob tomorrow so we may review it with our client and provide comments if necessary. If we are unable to reach a resolution of this matter by cob on Friday, we will contact EPA and request that the Agency respond to our FOIA request and produce the documents we requested.

Thank you,
Camille

Sent from my iPhone

On Feb 22, 2017, at 5:07 PM, Sylvia Simson <sylviasimson@quinnemanuel.com> wrote:

Camille, we already told you that we are willing to come to an agreement with you on this topic. As we previously discussed, our client is amenable to the production of such documents in the Delaware litigation, pursuant to the protective order issued by the Court in that case, provided that (1) the Ashland Parties similarly produce documents provided to the EPA in connection with any 104(e) request and (2) retract their demand for such materials from the EPA such that the EPA can close your pending FOIA request. We are also willing to come to an agreement regarding all parties' use of and reference to their respective productions in conversations with the EPA regarding the LCP Site, provided that none of these confidential documents are disclosed to or reproduced to any other third party without express consent given the confidentiality provisions contained therein. If we are in agreement as to the terms, we will draft a short agreement to this effect for our clients' execution and can then advise Krista she can close out her case. Our document production will follow in short order and we expect that the Ashland Parties' productions will as well. Thank you.

Sylvia Simson

Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Avenue, 22nd Floor

New York, NY 10010

212-849-7378 Direct

212-849-7000 Main Office Number

212-849-7100 FAX

sylviasimson@quinnemanuel.com

www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Otero, Camille V. [<mailto:COtero@gibbonslaw.com>]

Sent: Tuesday, February 21, 2017 12:38 PM

To: Sylvia Simson <sylviasimson@quinnemanuel.com>

Cc: Hatfield, William S. <WHatfield@gibbonslaw.com>

Subject: Your clients' production of its 104(e) documents to EPA

Sylvia:

When can we expect production of these documents?

If we do not have agreement on production by Friday, February 24, 2017, we will call EPA and request the immediate production of these documents from the Agency.

Thank you.

Camille

Camille V. Otero

Director Real Property & Environmental
Gibbons P.C.

One Gateway Center, Newark, NJ 07102

Direct: (973) 596-4509

Direct Fax: (973) 639-8321

cotero@gibbonslaw.com

Disclaimer

The contents of this message, together with any attachments, may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, printing, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify me immediately by reply e-mail or call the Gibbons P.C. Help Desk at 973-596-4900 (e-mail: helpdesk@gibbonslaw.com) and delete this message, along with any attachments, from your computer.